

## HOUSE JOINT RESOLUTION NO. 35

INTRODUCED BY E. ARNTZEN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO INVESTIGATE THE OPTIONS FOR PROVIDING A COMPREHENSIVE STATE POLICY TO AUTHORIZE THE ADMINISTRATION OF PRESCRIBED MEDICATIONS TO STUDENTS DURING THE SCHOOL DAY BY A PARENT-DESIGNATED SCHOOL EMPLOYEE OR BY STUDENT SELF-ADMINISTRATION; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 60TH LEGISLATURE.

WHEREAS, in 2003, the Montana Legislature enacted House Bill No. 573, codified, in part, at section 20-5-412, MCA, which allowed a parent or guardian of a diabetic student to designate a school district employee to administer glucagon to the student at school in an emergency situation; and

WHEREAS, the 2005 Legislature is considering House Bill No. 396, which, if enacted, will allow public and nonpublic school students to carry and self-administer prescribed asthma medication while at school; and

WHEREAS, parents of school-age children have expressed concern that the Montana law does not allow either a parent-designated school district employee to administer or the student to self-administer other important medications, such as insulin, that are required for a student's daily well-being; and

WHEREAS, although Montana law shields school districts from liability for a parent-designated employee who administers glucagon to a diabetic student and may provide liability protection for any injury arising out of a student's self-administration of a prescribed asthma medication, the failure of the Legislature to provide a comprehensive policy that covers all types of prescribed medications subjects a school district to possible liability if the district allows parent-approved student access to prescribed medications not authorized by law.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) investigate the types of prescribed medications that students may need access to while at school;

(2) determine whether those prescribed medications could be administered by a parent-designated school employee or self-administered by the student; and

(3) if parent-designation or self-administration is reasonable, provide authority to school districts to allow for administration while ensuring liability protection for the school district and its employees.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

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